

REMARKS

O N

AN APPEAL to the Publick, by
Mr. CLELAND, against *Thirteen Governors*
of the *General Hospital* at BATH; with
respect to their *suspending* and *dismissing*
him from his Office, as SURGEON to the
said Hospital, upon the Evidence of *Two*
Notorious Prostitutes.

AND ON

A LETTER to him, (from a *Reverend Advocate*
for the *Thirteen Governors*) occasioned by
his FULL VINDICATION of the said
APPEAL.

EXTRACTS from the *Case of SEDUCTION*,
relating to a *French Abbé* committing Rapes
upon 133 *Virgins*, in order to shew the
ANALOGY of the *partial Proceedings* against
MR. CLELAND and the said *Abbé*.

*We have here to do with a DOCTOR, as little like
DAVID in his Piety, as in his Sense. — But we
leave him to the Readers Mercy.* WARB.

Dedicated to the Right Honourable
PHILIP, Earl of CHESTERFIELD.

L O N D O N :

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REMARKS

ON
AN APPEAL TO THE PUBLIC BY
MR. CLELAND, AGAINST THE
OF THE GENERAL HOSPITAL AT BATH; WITH
RELATIVE TO THEIR CONDUCT AND DISMISSAL
FROM HIS OFFICE, AS SURGEON TO THE
SAID HOSPITAL, UPON THE EVIDENCE OF THE
MEDICAL PROFESSION.

LONDON

PRINTED FOR HIM, (FROM A REVIEWER'S
CASE FOR THE MEDICAL PROFESSION) OCCASIONED BY
HIS FURTHER DISMISSAL OF THE HOSPITAL



EXTRACTS
RELATIVE TO THE
UPON 1833
ANALOGY OF THE
MR. CLELAND AND THE HOSPITAL

IT HAS BEEN TO BE SEEN A DOCTOR
DAVID IN HIS PAPER, AS IN HIS
GIVEN HIM TO THE READER'S EYE

Dedicated to the Right Honorable
PHILIP, EARL OF CHESTERFIELD

LONDON

Printed for J. Wood, at the Royal Exchange, W. Owen
and J. A. B. A. at Chancery Lane, and W. T. A.
LONDON, at Bath, Macclesfield.
(Price One Shilling)

DEDICATION

To the Right Honourable

PHILIP,

Earl of CHESTERFIELD.

My LORD,

AS Mr. Cleland has often publicly acknowledged how much he was indebted to your LORDSHIP, for his Admission to the Office of Surgeon of the HOSPITAL, (to which you have done the Honour of being PRESIDENT) in Opposition to certain Persons who laboured much to prevent him; and as your LORDSHIP'S Universal Character is that of being one of the Great Patrons of LIBERTY, and a strenuous Opposer of all Combinations, whether calculated to do publick or private Injuries, I took the Freedom (pardon me, my LORD) of dedicating the following Remarks to your LORDSHIP: Which, I conceive

DEDICATION.

arrive, will in some measure shew, that the Spirit of Prejudice, originally manifest in his Opponents, did not subside, but continued to dispose them to pursue him, until they found some Pretence, to get him dismissed from his Place, though he served without Fee or Reward.

My Lord, permit me to take this Opportunity of declaring the strong Inclinations I have always had of being esteemed,

YOUR LORDSHIP'S

Most Humble, and

Most Obedient Servant,

to command,

BRITANNICUS.

RE

REMARKS

O N

Mr. Cleland's APPEAL.

I HAVE read Mr. Cleland's APPEAL to the Publick; the SHORT VINDICATION of the Proceedings of the Governors of the General Hospital at Bath; Mr. Cleland's FULL VINDICATION of himself; and a REVIEW of two of the before-mentioned Pamphlets: All which seem to have been wrote by Parties some way or other interested in the Matter. If the Controversy had rested here, I should not have intermeddled therewith: But, as a certain Reverend Sir has, in an Anonymous LETTER to Mr. Cleland, revived the Debate, and therein, as I conceive, grossly misrepresented both the Ac-
tions

tions and Intentions of Mr. Cleland, it has induced me to enter into it likewise. Accordingly, I shall begin with a few *cursor*y Remarks on the APPEAL; and then examine the *Flowers* of the *Advocate's* most elaborate Piece; both which I shall endeavour to do as concisely as may be; and, as he had not found a *Name* for himself, I have dubb'd him with that of *Reverend Advocate* for the *Thirteen Governors*; which, I apprehend, will not prove to be any *Impropriety*.

It appears, from Mr. Cleland's *Appeal to the Publick*, (Page 4, l. 30.) that the Charge brought against him in general was for acting with *Indecency and Lewdness*, in the Execution of his Office, as one of the *Surgeons* of the *General Hospital* at BATH. This was no sooner mentioned, but a *select Committee* of Governors *privately* held a Court, where they canvassed the Matter; two Women, *Young Hook* and *Hudson*, were produced, as Evidences against Mr. Cleland, who had been, *prior* to this Meeting, *privately* carried before *Ralph Allen*, Esq; the Mayor, who deposed, (P. 43, to 47.) *That Mr. Cleland had handled and fingered them in Parts common for other Surgeons to use the same*

same Freedom with in like Cases :—One of them says, he had handled her a little too roughly. — And both aver, he examined them contrary to their Desire.— But the chief Offence of all was, that Mr. Cleland had broke in, by what he had done, upon Mr. Wright's (another Surgeon's) Privilege, because they were in strictness his Patients.—A great Pity indeed ! that Mr. Wright was deprived of any part of such most agreeable Work, as the Examining, Handling, and Fingering two nasty pocky Wenches must needs be.

AFTER the Committee had thus received this Intelligence upon the Oaths of two infamous Prostitutes, they proceeded so far as to condemn and expel Mr. Cleland the Hospital, by suspending him from the Execution of his Office, without a Hearing; which, to be sure, was most arbitrary and irregular.

BUT I cannot devise in the least, what occasion there was to carry these Creatures so slyly before the Mayor to swear this Stuff! Would not at once confronting them to Mr. Cleland's Face have been much better? For then, if any Indecency had appeared on his side, or over-

Forwardness to do other Folks Business, the learned *Doctor Oliver* could have given him a gentle Reproof, which, surely, would have made a much more decent End of this Matter. And why, in the Name of *Modesty*, such formidable Meetings, of such a Number of grave Heads, being no less than Nineteen, (P. 11.) to canvas a dirty *Affair* of a Surgeon's Over-acting, though in the Course of his Office, unless these eminent, honourable, and reverend Sirs, the worshipful Mayor and his Party, wanted to be as much delighted with the frequent Repetition of the Things, as they would have the World believe Mr. *Cleland* had been with feeling them? For I cannot help thinking, if that had not been one Reason, and another, to revenge some private Pique, but Doctor *Oliver* might very easily have settled the Matter without making such a Noise about it.

Now let us see how these Governors acted afterwards in publick to Mr. *Cleland*, who, being informed what they had privately transacted, demanded a Copy of the Charge against him, which was denied by the Committee of Governors,

vernors, (P. 8, l. 24.) This was still more *extraordinary*: However, Dr. Oliver thought proper to order *Copies* to be delivered afterwards, without consulting his Brethren: (P. 9, l. 11.) And, from what ensued, it appears very evident, that the *Doctor* and Mr. *Morris*, the *House-apothecary*, were the principal Actors in this grand Affair: So that, whatever the rest of the Committee might think of it, not excepting even the *worshipful Mayor*, and his worthy Steward, they only made a *Nose of Wax* of them.

NEXT, after the Governors had condemned and expelled Mr. *Cleland* the Hospital unheard, they called an *extraordinary Committee*, to enquire into Mr. *Cleland's* Conduct. Merry enough! to condemn and expel him first, and then enquire whether he deserved it!

BUT so impatient were Mr. *Cleland's* Judges, to have what they had before *privately transacted* approved of and confirmed, that they could not bear the least Contradiction, as appears from Mr. *Mayor's* Behaviour to Mr. *Chapman*, one of the Governors, who spoke in Mr. *Cleland's* Behalf, and only put a proper Question;
to

to whom Mr. Mayor's Answer was absolutely *insulting*, and not *Reasoning*: For, surely, he had as much Right to *say* as his *Worship*, though, perhaps, it might not be, in his *wise Opinion*, quite so much *to the Purpose*.

MR. Stevenson and Mr. Bush, two of the Governors, declared, when they gave an Account of what they had done, in respect to their *Duty in visiting the Hospital*, (and that during the Time Mr. Cleland is said to have acted with *Indecency*, &c.) *They had met with no Complaint*; but, on the contrary, found, THAT ALL WAS WELL, (P. 13, l. 4.) &c. This one would think might have *cleared*, or at least gone a great way towards clearing Mr. Cleland from the Charge: And the more so, for that it likewise appears Mr. Cleland, to remove even a *remote Suspicion* of his having acted with *Indecency*, offered *two Witnesses*, to support what he had insisted on; whom his *Worship*, the *most worthy Mayor*, (P. 13, l. 25.) refused to *swear*, viz. *Ann Hughes* and *Elizabeth Dowdy*.—Pray what Reason could he have for this, unless that he was become *so conscientious*,

as he had admitted *Oaths against Mr. Cleland*, he could administer *none for him*?

N o w, as to Mr. *Bertrand*, one of the Governors, (in the Note, P. 7.) he seems to have *eaten his Words*; and it appears, that Mr. *Cleland* very prudently desired him to *stay*, when he was for *flying*: But (by the Note in P. 13.) it seems, that this same Mr. *Bertrand*, having forgot he had *eaten* his former Words against Mr. *Cleland*, now was for *nibbling* a little further at him. Which is no Wonder! for he that will *fly*, rather than *speaking the Truth*, (as his own Words manifest, in *Short Vind.* P. 33, l. 20, &c.) will always turn *Cat-in-pan*.

P. 14. Mr. *Purlewent*, though a very *bandy Examinant*, seems to have had but *one Ear*, otherwise one would reasonably have expected, that he should have been more punctual in making Minutes on *both Sides*.

P. 15. Though the *good-natured Mayor* was so scrupulous of permitting Mr. *Cleland's* Witnesses, to corroborate their Evidence by *Oaths*, they left behind them a clear Certificate, attested before reputable

table People, that *Mary Hudson* and *Mary Hook* did send for Mr. *Cleland* to examine them; which entirely invalidates one Part of the Charge against him.

P. 16, l. 5. It appears *Monsr. Mayor* took upon him the *Primier*, by officiously ordering what he had no Authority for, only because *he thought it very proper*.

L. 10. But the next Orders his Worship knew nothing of, and to which the rest of the Gentlemen were *dumb*, about a Woman's being *confined*, and *not confined*, it's no matter which, *Who did then?* was the Question;—Why, truly, the great Mr. *Morris*, *House-apothecary solus*.—Well, what did he order?—Why, that *Old Mary Hook*, Mother to one of the Informants against Mr. *Cleland*, (who had come, above *fifty Miles* cross the Country, on purpose to enquire into the Truth of the pretended Abuse upon her Daughter) *should be detained*, and that *she should speak to No-body*; and declares, the Gentlemen, before so silent, *had given him Orders accordingly*.—A pretty Set of Gentlemen indeed, and *Artists* more than common! Keep in a *Woman* against her Will,

Will, and tie her Tongue too!—It is pity, but they had had it in their Power to have *præ-ordered* her Daughter, and the other Hussy, *not to have made use of their Tails to such an Eccefs*; which would have saved them all this Trouble.—But then they would have lost the *Pleasure of the Fatigue*.

P. 17, to 24, seems to be a fair and I believe is a true Account of the mighty Business, about which his *Worship* and his *Associates* have made such a Pother; and by it Mr. Cleland stands cleared of all Parts of the Charge; as, the *untimely Death of Appleby*;—the *indecent Handling of Hook and Hudson*;—and *officiously examining them without their Desire*.

I CANNOT but here observe, on what is mentioned, P. 24, in the Note, that, if all were of Mr. *Busb's* Mind, many thousands must die that are now relieved, by being *examined in time between the Neck-lace and Shoe-strings*; as, I make no doubt, our *Reverend Advocate* has partly experienced.

P. 25, l. 24. The *worthy Mayor* seems
C to

to be fond of hearing, what he thinks will make for his *own Side first*.

P. 26, l. 17, &c. shew how ready some of this *extraordinary Committee* still were, at reflecting on and condemning Gentlemen *behind their Backs*.

P. 25, l. 4, &c. The great Doctor *Oliver* seems to have been much mistaken about a *Virgin State*; but, very likely, it may not be the first time he has taken a *W*— for a *V*—; and perhaps our *Reverend Advocate* may have done the same.

P. 27, in the Note. The most *worthy Mayor*, having forgot his late *Scruple of Conscience*, as to administering *Oaths* to Mr. *Cleland's* Witnesses, *Dowdy* and *Hughes*, is now got at *most zealously* tendering to *Mary Hook the Elder* an *Oath*, (who was *forbid to speak a Word*, when Mr. *Cleland* and his Friends desired she might) to vouch the Truth of an Affidavit so *extraordinary*, that few can believe it, notwithstanding his *Worship's Sanction*. For, how unlikely it is, that Mr. *Cleland* should have any Taste for *ravishing* a *nasty common Prostitute*, when he

he has so *fine a Woman* for his Wife,
let the Reasonable who know her judge.

P. 27, l. 22, &c. *Mary Hook*, the Informant, was believed, by Numbers of People of the Town where she had lived, to have been a common Prostitute: And (P. 28, l. 14.) it appears she had been a *common Strumpet*, and had sworn a *Rape* against a young Gentleman, in order to extort Money. Therefore Mr. *Trevanian* might well put the Question, (P. 29, l. 20.) and I put it again, and all the World must ever put the same, to his *Worship*, his *Associates*, and his *Reverend Advocate*, “Whether Mr. *Cleland* (a Gentleman of Reputation) and his *Evidences* (sober Women) were to be credited, or those two infamous abandoned Women, who ’tis plain) had no Shame left?” And all this about their having been handled a little too much, forsooth; from whence this wise *Posse of Refiners* draw this Inference, that there was an Intention to ravish. A very logical Conclusion indeed! But, it is my Opinion, if all the *Wenches*, these great *Zealots* against Mr. *Cleland* (the *Reverend Advocate* not ex-

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cepted)

cepted) may have *handed*, in the Course of their Time, and somewhat *roughly* too, in the Warmth of their *amorous Pursuits*, had therefore sworn *Rapes* against them, they would have made very *considerable Figures*, in divers Courts of *Justice*, long before this Time of Day.

LET me ask these *Partizans*, Whether Doctor *Smart* and Mr. *Trevanian*, Gentlemen of undeniable Reputation, ought not to be credited, in behalf of Mr. *Cleland*, rather than *Old Mary Hook*, who had joined in *pocketing* a *supposed Rape* on her Daughter for *five Shillings* only? (P. 28, l. 20, &c.) — And I make no doubt the zealous Doctor *Hartley* too sees, by this time, which of them *the World* believes, according to his *Prophecy*, (P. 30, l. 1, 2.) on which good Mr. *Grist* was thrown quite into an *Agitation*, which produced a *frantick Snapping* of his *Fingers*; an apt Emblem enough though of their *snapping Proceedings* against Mr. *Cleland*!

HERE our very *worthy Mayor's worthy Steward* was also agitated, with putting *leading Questions* to *Old Mary Hook*, to
mak

make her confirm what all the World, as I apprehend, will believe to be false: And the upright Chairman, Doctor Oliver, was thrown into violent Convulsions, only because Mr. Cleland made this proper Remark, *That either the Gentlemen, or this Woman, must have forsworn themselves*: An undeniable Truth.

NEXT Mr. Morris, who was likewise so much agitated *, that his A — made Buttons, (lest Mr. Cleland's Censure should not be confirmed) and could not keep his Seat, but must advance to help prompt Old Mother Hook, (notwithstanding she was properly placed between two very good Prompters, the Steward and his Master, P. 30, l. 21.) to whom he said, “ Did not you tell me, that Doctor Smart assured you, that Mr. Cleland would handsomely reward you for coming over? ” — This is the same Woman, that this very Man had ordered, by Orders from the Gentlemen themselves, “ That she should speak to No-body.” However, it is plain, that

* Several Gentlemen of my Acquaintance verily believe, they were all French Prophets for the Time being.

that either Mr. *Morris* had found out the *Art* of making her *speak to him*, or had paved the Way for her to *speak after him*; which, I presume, among these *nice Jurors*, was not esteemed any essential Difference.

P. 31, l. 10, &c. *Mary Hook* the Younger *directly contradicts* what she had sworn: Therefore her whole Evidence tumbles to the Ground, and Mr. *Cleland* stands quite *acquitted* of her Part of the Charge.

P. 32, l. 10, &c. The worthy Steward is got again to his *One-ear'd* Manner of taking *Depositions*, being unwilling to hear or minute any thing that made against the Cause of *his Master*, and his *Associates*.

P. 33. Here the Committee entirely give up *Mary Hudson's* Information; judging, I suppose, as well they might, to give it the most favourable Term, *That she was* INSENSIBLY *forsworn*; but how, the *malignant Sticklers* against Mr. *Cleland* can best account for; and now he stands again *acquitted* of another Part of their *false Charge*. But Doctor *Harrington* could not help *mumbling*, and said, in the
Note

Note, *It (Hudson's Information) might have been better worded.*—What! could not this *penetrating Doctor* and his Associates see that before?—Is not this owning, that they had made all this *ridiculous Bussle*, and evil-treated an *innocent Gentleman*, on a bad Foundation, on wrong Informations from Wretches that were not to be credited? Dirty Work, indeed!—

P. 34, 35. Mr. Busby's Letter shews, that the *natural Weakness of Mary Hudson's Understanding* was such (with the Addition of some *natural Inclinations*, I presume) as had rendered her as subject to have a *Bastard*, as it had to swear, what she was intirely *insensible of*.

P. 36. Another *extraordinary Step* of this *very extraordinary Committee* occurs: When Mr. Cleland desired, as he had a Right to do, that *Mary Hudson* his Accuser, and his Witnesses, who were ready to invalidate her Accusation, might be confronted before them, it was over-ruled.

P. 38, l. 9. After all this *Contriving, Informing, Swearing, Lying, Conniving, and Straining Points*, (not, perhaps, without *Bribing* too) to prove the *Manner of*
Mr.

Mr. Cleland's Examining the two Women was a CRIME of the blackest and most heinous Nature, (P. 7, l. 6.) which they had absolutely miscarried in, comes the Question, (the Chairman having summed up the Evidence) which the ever-affiduous, worthy Mayor puts, "*Whether Mr. Cleland had been guilty of a Crime, or not?*" — The Word CRIME being thought too harsh, by some of the Gentlemen of better Sense, the Word MISBEHAVIOUR was substituted instead thereof; but this was to be taken in a restricted Sense, and only to mean in "*Examining other Surgeons Patients without acquainting them with it, though there was no Law or Rule in the House broke through in what he had done.*" Then the main Question being put, *Whether Mr. Cleland should be DISMISSED or REPRIMANDED, for such MISBEHAVIOUR?* it was carried for his being DISMISSED, by the worthy Mayor, Ralph Allen, Esq; and Twelve of his Followers, against four or five truly honest, candid Gentlemen.

BUT then what Motives induced these fine Gentlemen to enter into such a black Com-

bination, or what Reparation they ought to make, to Mr. Cleland, for attempting such a *deep Stab* to his and others Reputation, I shall leave to their *own Consciences*, which, one time or other, may rouse them up to do justice. — See Lady Hyndford's Letter to Mr. Cleland, which has, I think, depicted them to the Life; and I cannot help being intirely of Lady Hyndford's Mind, that *unwearied Malice* was the only Foundation for all this *Frumpery* against Mr. Cleland.

THUS you see, Reverend Advocate, the black and heinous Charge of Indecency and Lewdness, and of immodest Intentions, &c. towards the Women Patients, centers in his only acting, in the Way of his Profession, for *their Relief*, at *their own Request*, without first acquainting *their Surgeons* of it.

Parturient Montes nascetur ridiculus Mus.

HOR.

IN the Course of these Remarks I had before me, Most Reverend Advocate, the
SHORT NARRATIVE and VINDICATION,
D and

and carefully examined all that the *Governors* have offered to the Publick, in Defence of their Proceedings against Mr. *Cleland*; but, instead of inducing me in any respect to alter my Sentiments, it has the more strengthened me in my Opinion of the great *Hardship* Mr. *Cleland* has met with.

NEXT I read over Mr. *Cleland's* FULL VINDICATION, &c. which might have been fuller yet, but I think it sufficient to expose the principal Actors in the *irregular, partial, ridiculous* Proceedings against him.

AFTER this I gave Mr. *Trevelian's* REVIEW a Reading, in which he has not only *fully justified his own Conduct* in the Affair, but *clenches hard* many Particulars, in the Behalf of Mr. *Cleland*, against the *Thirteen DISMISSERS*, and their *dirty Agents*. But as to particularly remarking Paragraph by Paragraph, upon the SHORT VINDICATION, the FULL VINDICATION, and the REVIEW, I shall for the present postpone.

REMARKS

REMARKS

ON THE

Rev. Advocate's LETTER

TO

Mr. CLELAND.

THIS he introduces with telling him, *When I see what a Set of Correspondents you have had the peculiar Goodness to encourage, and bring out to plead your Cause: Some without Names, who, for ought you know, may be Cheats, and others with fictitious ones, who for certain are so; I venture to conclude, that this Address from a Stranger will be so far from needing an Apology, that*

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it

it will rather recommend itself to you on that Account.] Pray what otherwise can any one think of this Part of his Introduction, as he himself has not prefixed his Name to the *Letter*, than that he is acting the very Part he complains of?—It is true, he pretends to be a Stranger to Mr. *Cleland*; if so, how comes it he so cordially takes up the Cudgels against him? But it is notorious, that he is not a Stranger to Mr. *Cleland*, and I'll venture to say I could, if necessary, prefix his real Name, and so easily prove, according to his own Doctrine, he is even one of the *Cheats* he speaks of to Mr. *Cleland*: And likewise shew he had writ, more than once, in a *fiſtitious one*; and so, by his other Rule, prove him a *very Cheat*: And that he is a *meer Ruffian in the Dark* the Words of a learned Author prove, “ Writing
“ without a Name, in the Manner you
“ have done, is least of all excusable;
“ for, when a Man's Person or Reputation is attacked, I know little Difference between the *Ruffian* and the
“ *Writer in the Dark.*” (Letter by a
Gen-

Gentlemen of Lincoln's Inn, P. 16.) For becoming which, I fancy, he will owe as little Thanks to those who set him on work, as Mr. Cleland. So much for his Introduction; and now to proceed, directing his Discourse to Mr. Cleland, his Words are, (Letter, First Edition)

Page 1. Line last, &c. *The Fact, for which you have been censured, stands confessed by you.] Agreed, and it was no more nor otherwise that stands so confessed, than Examining other Surgeons Patients, without acquainting them of it, Appeal, P. 38. Or, (in Mr. Walter Chapman's Words, Full Vind. P. 50.) Interfering with other People's Patients, without acquainting the Doctor and Surgeon to whom they belong'd.*

P. 2, l. 1, &c. *Nor is that all; you own it was an Impropriety, and, for that Reason, wish it had been undone.] The Reverend Advocate has forgot himself here; for Impropriety is Mr. Chapman's Word, not Mr. Cleland's; neither are the Words, wish it had been undone, Mr. Chapman's, but these, and wish'd he had done otherwise.*

L. 4. *The Question then between you and the Hospital is only this, whether the FACT (above recited) was as Criminal, as you allow it to have been Improper.] There is no such Question now subsisting between them: For the Word CRIME (because abundantly too harsh an Epithet for the whole FACT Mr. Cleland had done) was liquidated into the Word MISBEHAVIOUR, (Appeal, P. 38. Short Narr. P. 17.) to shew it improper, but no ways Criminal.*

L. 7, &c. *You say, No; and think it reasonable that they should take your Word, because nothing but a vicious Intention could make it criminal; and an Inquiry into that, is invading the Prerogative of the great Searcher of Hearts.] Even the Thirteen have said, No; or how came they to alleviate the Word CRIME as aforesaid? And all the World will say, No: Therefore Mr. Cleland had no occasion to urge a Reason for his so saying, (so aptly foisted in by the Rev. Advocate) as he did not, his Words being,*
“ As to their charging me with having
“ acted, in the Examinations of these
“ Wo-

“ Women, from vicious Motives, I say,
 “ This is impiously to assume to themselves
 “ the Prerogative of the Great Searcher
 “ of Hearts ;” (*Full Vind.* P. 28,) widely
 different from what the *Rev. Advocate*
 would palm upon him.

L. 12, &c. But in this you seem to be
 mistaken : For though human Judicator-
 ies meddle not with the Intention before
 it proceeds to Act ; yet after that, it
 becomes, in many Cases, the usual Object
 of their Inquiry ; as, in most personal
 ones, the Intention denominates the Action.]

Mr. Cleland is no ways mistaken here ;
 for he was cleared as to his Actions to-
 wards the Women ; therefore his Intention
 cannot be arraigned. This fully appears
 by the *Thirteen Governors* own shewing,
Short Narr. P. 16. where they say the
 Questions put to Mr. Cleland, after all the
 Swearing and Examinations that had been
 made, were only these : 1st, “ Why he
 “ examined Mary Hudson and Mary
 “ Hooke, who were not his Patients, with-
 “ out acquainting their own Physician or
 “ Surgeon ? 2^{dly}, “ If, upon Examina-
 “ tion, he found any Disorder on these
 “ Women,

“ Women, why he did not communicate
 “ the same to their *Physician*, or *Sur-*
 “ *geon* ? 3^{dly}, “ If he found no *Disor-*
 “ *der*, why he repeated his *Examina-*
 “ *tions* ?” —To the last of these *Questions*
Mr. Cleland (as they relate, P. 17.) an-
 swers first, by declaring, He was sent for
 to the *two Women*, and that they had
Disorders; which is no where contra-
 dicted by his Opponents: And then,
 in Answer to the two first *Questions*,
frankly says, (L. 25.) “ He had been
 “ to blame, in not communicating his
 “ *Proceedings* to the *Physician* and *Sur-*
 “ *geon*, under whose Care the Patients
 “ were.” This again appears to be the
 only *FACT* confessed by *Mr. Cleland*.
 “ After this, (say the *Thirteen* in the same
 Page) “ *Mr. Cleland* was voted guilty of
 “ *MISBEHAVIOUR*, by the unanimous
 “ Consent of all present.” This is the
 Sum-total, *Guilty of MISBEHAVIOUR to*
the Physician or Surgeon: “ Though
 “ there was no Law or Rule in the House
 “ broke through, in what HE had
 “ done.” *Appeal*, P. 38. — Now, could
 any *Wretch* in the World, except this
 Rev.

Reverend Advocate, have twisted and twined so much, *Serpent-like*, to make the Generality of People believe Mr. Cleland was guilty of a vicious Crime?---But let's follow him.

L. 18. It only rests then to consider whether this, which the Governors have deemed criminal, was attended with such Circumstances, as might enable them to judge, with moral Certainty, of the Intentions.] It is plain the Governors did not deem what Mr. Cleland had done a CRIME; therefore this *Advocate's Circumstances*, *Supposition*, and his three Reasons mounted thereon, nay, his whole *Superstructure* must tumble to the Ground.

As to his first Reason, P. 2, l. 23. it evidently appears, there was nothing confessed by, or proved against Mr. Cleland that amounted to a Crime.

As to the second, l. 27, which is this, *Because the Physicians who voted for your Dismission, and who are as eminent and learned as any in the Profession, have declared, that there was no sort of Occasion to treat those Patients with the Freedom*

complained of, either to promote their Cure, or to improve the Art of Healing in general.]

Mr. Cleland gives a succinct Account, (*Appeal*, P. 17, to 24.) of the Manner of his Treating the Women, to the Committee, which they did not then think proper to contradict.

And, let Dr. Oliver be as learned as the Rev. Advocate would make him out, it is plain he was mistaken, as to *Sarah Appleby's Virgin State*, (*Appeal*, P. 25.)

“ Dr. Oliver observed to the several Gentlemen afterwards, that he did not understand what Mr. Cleland meant by such frequent Injections and Examinations of *Sarah Appleby's Uterus*; for, when she was opened, the Uterus appeared to him in a *Virgin State*.---To which, one of the Gentlemen present, smiling, replied, That, to his Knowledge, she, not long before, had had a Bastard.”

His *third Reason*, being founded upon a *meer Supposition*, and *Circumstances that he knows nothing of*, must stand for Nothing.

P. 3, l. 13. *The next Thing then to be confi-*

considered is, whether the Censure, passed upon you, was proportionate to the CRIME.]

It is evident there was no *Crime* committed; therefore there could be no *Censure* for a *Crime* passed: So that his artful *Twistings* upon this, as well as his *Exaggerations*, (Pag. 4.) of a *Crime* complained of, a *Crime* enquired into, and a *Crime* for which you was dismissed; with his trumped-up *Moderation*, *Tenderness*, *Dispassion* and *Humanity* of the *Governors*, and the *Thirteen* in particular, all vanishes in circling *Smoke*.---Now the Rev. Mr. *Walter Crapman* one of the *Committeemen*, is taken to task.

P. 4, l. 19. *First the Reverend Mr. W. C. takes it up; and, wanting a fit Reason of his Dissent from the rest of the Governors, he writes them a Letter, expressing his Dissatisfaction with their Sentence, grounded chiefly upon this, That Dr. Oliver, in the summary Account he gave of the whole Proceeding, did not so much as remotely hint any immodest Intention to you.]* These are Mr. *Chapman's* Words, (*Full Vind.* P. 50, l. 10, &c.) " Part of what

“ I then said, (*at the Examination of*
“ *Mr. Cleland*) I now take the Liberty
“ of repeating, *viz.* That the whole of
“ that Gentleman’s Behaviour, (as far as
“ I have seen or heard, has been agreea-
“ ble to the *strictest Rules of Modesty and*
“ *Decency*: Neither did it appear to me,
“ that he had any Views *inconsistent with*
“ *these*, in any Part of the Affair laid to
“ his Charge. I appeal to what Dr. Oli-
“ ver said, &c.” Is not this a *Reason*
fit? Is it not a *sufficient Reason*? Is it not
the *only true Reason*, any one of the Com-
mittee could have for dissenting? Nay, Is
it not the *very Reason*, why *not one* of them
ought to have voted for Mr. Cleland’s *Dis-*
mission? And since *this Advocate* cannot
be a Man of *Veracity*, with such a *Fals-*
hood in his Mouth, as *that Mr. W. C.*
wanted a Reason fit to give of his Dissent
from the rest of the Governors, his *Finesse*
here in View drops, as well as in his next
Attempt against him and the Rev. Dr.
Stevenson, by which he would have his
Readers fancy, they, in Conjunction with
Mr. Cleland, had entered into a *Combi-*
nation,

P. 5, l. 6. *A current Report is pretended to have gone Abroad, that you was dismissed from the Office of Surgeon to the General Hospital in Bath, for debauching, or attempting to debauch two Women Patients in the said Hospital. And the Rev. Mr. S. and your trusty Friend the Rev. Mr. W. C. are to sign a Certificate, which you are to publish, of the Falshood of this Report; in which they say, "That, to the best of their Knowledge, there was not a Word dropt, nor even a remote Hint given, of such Charge made against you by the Women Patients, or in the whole Proceeding."]* Is it not reasonable to think, that these worthy Clergymen of the Committee, and present at Mr. Cleland's Examination, were as capable as any other to remember the Particulars that then passed? And had not they a Right to make a Report thereof to the Publick, either by way of Certificate or otherwise? And what occasion there was for any particular Contrivance about it, no one but this *clear-sighted Advocate* can see.

P. 5, l. 19. *Now give me leave to ask, was this false Report spread or encouraged by the Thirteen Governors, or any of them? If it was, why are they not charged with it? This would be a much better Proof, of the hard Treatment you complain of, than any you have yet given us. If it was not, why is the Certificate inserted in a Defence of yourself against their Proceedings?*] Very fine Logic this indeed! A Man must not enervate a false and scandalous Report raised on him, in Consequence of the hard Treatment he had met with from these Thirteen Governors, because he cannot directly prove, that they, or any of them, were the immediate Authors of it: And where, for Goodness-sake, should any Thing of this sort appear, if not in his own Defence. Neither does this at all hang upon Dr. Oliver's Silence, who, it is my Opinion, could not, in Justice, be otherwise than silent, as to any vicious Crime having been committed, or intended, by Mr. Cleland; which this Reverend Advocate has laboured so much to make exist, though it never had any Being.

P. 6, l. 8. *But what your Divines fail in, (and 'tis plain they failed not for want of Good-will) your Lawyers are to make out.] But it is more plain these Divines have not failed, in their Good-will, to do an innocent Man Justice, as far as lay in their Power : Therefore there was no occasion for the Gentlemen of the Law to assist.*

A's to the Roder-roll of Stuff (from Page 6, to 9.) relating to *Forms of Law, proper Jurisdiction, Courts of Justice, incorporated Societies, positive Law, Rules of Equity, Genius of its Constitution, Precision and Dispatch*, seem rather to be introduced to throw Dust in his Readers Eyes, and for the sake of having this quaint Fling, as he thinks it, at the Lawyers also, (P. 9, l. 19.) *For to do the Lawyers Justice, (those of them I mean who are about the Level of your Advisers) it must be owned, they care as little how the Case stands with Reason, when they have once proved it against the Forms of Law! **

Which,

* I shall here beg leave to introduce a Quotation from another learned Writer, who, I cannot help think

Which, I make no doubt, the sensible Part of Mankind will admit to be a *notorious Falshood*; and that it could drop from
no

thinking, was a *first-Cousin* to our *Reverend Advocate*, there is such a *Similitude* in their Manner of Writing, and who endeavoured to make the *Sanction* and *Authority* of the Law a Sacrifice, in order to support what he was contending for.

“ And, *says he*, the making these *Words* and
“ *Phrases* thus changed an Argument against the
“ *Genuineness* of the *Fragments*, would be the same
“ as to contend, that the *first* Laws in our vulgar
“ *Statute Books* are the *Forgeries* of *later Times*,
“ because *full of Words* unknown to the *Ages*, in
“ which those Laws are pretended to have been
“ enacted.” *Letter by a Gentleman of Lincoln’s Inn*,
P. 36.— And our *Advocate’s Kinsman* also unfortunately supposed, P. 38. “ That the *first* Laws in
“ our vulgar *Statute Books* were originally enacted
“ in *English*, the Language in which they are now
“ printed.” Upon which his Opponent answers,
“ It is inconceivable where you picked up this Con-
“ ceit, and how a Person, who had spent a *single*
“ *Day in the Profession*, or once put his Head, as you
“ politely term it, into a *Warehouse of Law*, could
“ be so strangely mistaken. You ought to have
“ known, that they were a Translation from the
“ original Laws in *Latin* or *French*, most of which
“ are on Record; and that the Copies of the *Latin*
“ and *French* Originals are in the Libraries of the
“ Curious, and are printed in the Margin of the
“ last Edition of the Statutes; which, instead of be-
“ ing *full of Words unknown* to the *Ages* in which
“ they are supposed to be enacted, have no Words
“ or Phrases but what were the genuine Language
“ of those Times.”

no other Pen than his or his *Cousin-german's*, that has been so habituated to scratch out Lines of ill Language and Abuse against the Gentlemen as well of their own Profession as of the *Law* ; a Specimen of which see below.* For these Reasons, I say, I shall pass over his *Bead-roll*.

F

P. 9,

* Lett. from a Gent. of Lincoln's-Inn, P. 7, to II. " The Author of a Book intituled, *Future Rewards and Punishments believed by the Ancients*, particularly the *Philosophers*, whom you have so cruelly handled in your *Appendix*, being a *BARRISTER*, his Profession, which had no kind of Relation to the Question between you, is made the standing Butt of your Ridicule and Scurrility. *Gentleman Free-thinker* costive of Belief, as his favourite Class of Free-thinkers: One, whom Fate and Free-thinking has decreed to rise up, in spite of Nature, for the Preparer of the Way to true Pagan Philosophy: Who, puzzling on between his true and false Gods, hangs like *Mahomet* between Heaven and Earth, in the Fool's Paradise of Pagan Philosophy: Mighty Man of Law! Lawyer of late Memory, quick-sighted, and crafty Advocate: Poor Man who knows no Difference between Principles and Consequences, Premises and Conclusions: Without common Sense: One that has lost his *Reasoning* in the Study of the Law: Who, to the Shame of his *Profession*, cannot make a good Quibble: ---are some few of the polite Epithets you bestow on the Author.

" The Author's Arguments you complacently describe to be—A puny Truth, half overlaid,
 " drawn

P. 9, l. 24. *And truly did they (the Lawyers) know no more of the Matter than you, one could not well blame them for stopping where they do. For why, I pray you, is transgressing the Forms of Law transgressing the Rules of Reason? you will say, (or rather the Advocate has said for him) because*

“ drawn from under an unwieldy Heap of blundering Prevarications: The common Dog-trot of
 “ Infidelity and Free-thinking: Impertinence.—A
 “ stilborn Blunder, and the Ghost of a departed
 “ Quibble:—A Spring-tide of Absurdities, that sweep
 “ away all the Boundaries between *Sense* and *Non-*
 “ *sense*:—*Hackney* Fallacies, that run from one End
 “ of the Book to the other.

“ As to his Profession, by way of Addition to
 “ your former Favours, you tell him, that *Law*
 “ and *Gospel* agreed no better formerly than they do
 “ now.

“ The Gentlemen of the Bar you politely call,
 “ *Answerers by Profession, of all sober Knaves the most*
 “ *corrupt*. The picking-up Evidence at a Venture,
 “ to support a bad Cause, you, with surprising
 “ Candor, affirm to be a common Case,

“ As to the *Bench*, you had, to their greater Re-
 “ verence and Honour, on another Occasion insi-
 “ nuated, that some modern *Judges*, out of Impa-
 “ tience for their Dinner, sometimes acquit or con-
 “ vict, before they were possessed of the Merits of
 “ the Cause.”—So much for his Kinsman's *Abuse*
 “ of the Gentlemen of the Law; to a great Body of
 “ whom he stands so much indebted.

Now let us see, how he has treated his Brethren,
 the Divines, in a *Word or two of Advice, &c.*

because those Forms are agreeable to Reason, and therefore whatever is contrary to them must be disagreeable.]—And then laughs at his own *Logic*, by which he says he would prove, *that, because it is agreeable to Reason, (Custom or known Rule he ought to have said) in casting up a Sum-*

F 2 *total*

P. 19, on Dr. Pocock,—"There is no End
" of correcting the Extravagance of a perverse
" Imagination."

P. 20, on Dr. Stebbing,—"The Man is a
" Bungler, and neither understands *clean Convey-*
" *ance*, nor has Assurance enough to out-face the
" Fraud.—If the good Man will believe me, he
" is out of his Way; I would advise him to re-
" turn again as fast as he can into the Road of *Moses*,
" and a future State for ever.—Egregious Di-
" vine.—P. 21, Beat your Brain no further:—
" But you do not understand this; I believe so;
" nor, I will say that for you, scarce one general
" Proposition throughout my whole Book.—He
" has caught me in his *Contradiction-trap*, which
" he has laid with the same Success, I do not know
" how often, throughout the Course of this Debate.
" This it is to have to do with a Head whose Sense
" is all run to System.—But why do I speak of
" these Matters to him, who is so exceedingly ig-
" norant, even of the very Forms of Argument?—

P. 23, His villanous old Luck still pursues him.--

P. 24, But I leave him to the Reader's Mercy."

On Dr. Sykes, P. 25,—"We have here to do
" with a Doctor as little like *David* in his Piety,
" as in his Sense."—With a good deal more such
like Stuff, very much in the Stile of our *Advocate*,
and not to be equalled, unless by a learned ORATOR
near *Clare-market*.

total from a Number of Particulars, to begin at the Bottom and go upwards; that therefore to begin at the Top, and go downwards (which is the contrary Way) is disagreeable to it.] To known Rule it is, and for doing which a School-boy would have his Ears boxed; and indeed, I think, the Reverend Advocate deserves no better, for introducing here such a low Simile; as he does something worse, for the next, and the impudent Sneer he bestows on a Lady of Quality, and her Nation. Besides, Is there any Parity at all between the Manner of a Boy's casting up his Sum in Cyphering, and a Man's being tried and condemned contrary to, or without due Forms of Law? The one, though contrary to Rule, is not, it is true, inconsistent with Reason, because the Total will turn out the same, whether he begins at the Bottom or Top; but the other is disagreeable to Reason, because contrary to the received Maxims of Justice, the deviating from which is not a Matter of such Indifference, as this learned Advocate would seem to make it.

P. 10, l. 18. *When therefore your Correspondent talks for you, or you for him, (and the Advocate for both) of bringing an Action of Defamation against the Thirteen Governors concerned in your Dismission; you seem to have copied this Piece of Address (Letter, 2d Edit.) from the Irish Felon, who threatned the Judge and his twelve Confederates with an Action of Battery for putting him in fear of his Life.]* This is such a Bolt of Wit, rarely to be met with, except in the learned Writings of his Kinsman; for here he falls upon a *whole Nation* at once, as well as Mr. Cleland and his Correspondent: Though there is no more Foundation for this Story than there is for another of his *Cousin's* (*Lett. from a Gent. of Lincoln's-Inn, P. 11.*) “The
 “ Forgeries of the Ancients, says he, puts
 “ him in mind of that known Story of
 “ two *Law-sollicitors*: The one had *forged*
 “ a Bond against the other; who, instead
 “ of losing Time to detect the Knavery,
 “ chose rather to *find* Evidence to prove,
 “ that he had discharged it at the Day.”
 But this *Advocate* seems to love *Story-telling* as well as his *Kinsman*, the Pleasure

sure of which, as well as of the *merry Conceits*, he has put himself in, (about Words which are not Mr. Cleland's, P. 11, &c. but Mr. Ogden's, *Full Vind.* P. 61, l. 9.) I leave him and his *Bath Patrons* to enjoy, and proceed to his most exquisitely fine Breeding.

P. 12, l. 19. *Who then can chuse but smile, to see a Woman of Condition, because she happens to be amongst the Crowd of Contributors, endeavouring, in a publick Advertisement, to free herself from the Scandal of continuing her Charity to the Hospital after your Dismission; and declaring, she will give no more till you be restored?*] 'Tis plain from hence, that Mr. Cleland's Correspondents with Names meet with no better Treatment from this Reverend Advocate, than those without; for, though the Lady *Inchiquin* was pleased to subscribe her own Name, he can find no better Epithet for her than *Woman of Condition*, one among the Crowd of Contributors; so, I find, the whole of them are but a *confused Heap*, a meer *Huddle of People*, who support this Charity, even though the very good and discreet Mr. Allen,

Allen, the late *Mayor*, is a main Man among them ; but, I hope, he will correct his Wild-goose K——n, for his thus irreverently using the *Contributors*, notwithstanding he happens to be his *zealous Advocate*. But, pray, has not this *Lady of Quality* as much Right to shew her Resentment of the Male-practices of any *Set of Governors*, as the Worshipful Mr. *Allen*, and his *Twelve Associates*, to manifest their *Spite* on Mr. *Cleland's* bare MISBEHAVIOUR ?—Oh ! No, to be sure ; because this great Mr. ALLEN (our very much honoured Un—e) has *done more and greater Acts of Charity, and well-weighed Bounty, than this Woman, and all her Generation, since the first Bog in Ireland was inhabited*, P. 13, l. 5.—I don't at all question, but verily believe, there was such a powerful *Sympathy* between the Un—e and K——n, that the *one* felt something highly delightful trickle down his Back, at the very Instant the *other* was larding this *Encomium*. But, if Lady *Inchiquin* has given this Man of *No-reverence* such mighty Disgust, what has *all her Generation* (which I find has been a very renowned,

nowned, worthy, and noble one) done to either him or his *Un—e*? And I should be glad to know how, and when, he became so well-acquainted with *all their Actions*, as to know their Sum-total? And whether he began at *Top* or at *Bottom* to cast them up?—In which, I apprehend, he is out a good deal, since he has made such a notorious *Blunder*, (but great *Wits* will *spout* now and then a little beyond the Mark, for the sake of a Joke) in supposing the *Bogs* in *Ireland* to be *inhabited*, unless he accounts this good *Logic*, *Ireland is inhabited, therefore the Bogs are*. But my Lexicographer tells me, “That the “Learned derive the Word *Bog* from “the *Belgic Boogen*, to *bend*; because it “gives way to one treading upon it.” Then, if it gives way to *Treading* only, how can it be fit to build on? And if not fit to bear Buildings, how can it be inhabited? Oh, they may live thereon perhaps in *Huts*! But, to have made any *Boggle* at assuming this Notion would have baulked his bungling Fling at the *Irish Region* as well as it's *Natives*.

At length I am come to the most Reverend Advocate's principal Motive for this polite Address to Mr. Cleland, and most kind one for his Un—e, (P. 13, l. 26.)

Now, if you would know to what Part of your Pamphlet you are more particularly indebted for my Correspondence, you need only look back upon the threatening Language of this extraordinary Conclusion:—" Though
 " the Provocations I have long received
 " might tempt a Man of a less peaceable
 " Disposition, to expose both the Actions and
 " the ACTORS; yet, after this fair and
 " publick Notice, I hope their future Conduct
 " will not reduce me to so disagreeable a
 " Necessity."] Where the threatening Language is, in this Conclusion of Mr. Cleland's, I see not; nor do I think any candid Reader can see it. Is there any thing more in it than if he had said, *If the Thirteen Governors, and their Adherents, are still indiscreet enough to continue abusing me, by aspersing my Character, I shall defend myself in the best Manner I can, and let the World know theirs more fully; but, I hope, they will not put me on so disagreeable a Task: And what could be*

more modestly couched than his own Words? Therefore this could not be the *Advocate's* chief Motive ; But what was, in all probability, has in part already appeared, (P. 13.) and here more fully, in this very elegant *Eulogium* of his *most beloved Un—e*, whose Shoulders he has so much endeavoured to bedeck with solemn *Pæans* : (P. 14, l. 25.) *For so extravagant is your Charge, that it seems principally levelled (Ah, there lies the Grief! there the Gall!) against one of the greatest private Characters that perhaps ever arose in any Age or Country. Who, whether you consider him in his Civil, Social, Moral, Religious, or Domestic Capacity, appears, in all, an Ornament to human Nature. And yet this Man, to whose Virtue the honest Times of Paganism would have raised Statues and consecrated public Monuments, sees his Character, BY THE PECULIAR GRATITUDE OF THE AGE HE SO MUCH REDEEMS, BROUGHT INTO A KIND OF COMPROMISE with that of Mr. Archibald Cleland, Surgeon at Bath.] Ah, here's the Twitcher ! this is the Sting ! for this we are particularly indebted to the Reverend*

rend Advocate for his Correspondence with Mr. Cleland: The *Compromise*! the *Compromise*! has done the Business; the setting a Man's Character and Reputation, who perhaps is not worth above 2000 *l.* in Competition with the Character of an over-grown Gentleman worth 200,000 *l.* is a very great Crime indeed! OH, UNGRATEFUL AGE! — But is not all that's dear to a Man in this Life, as near and as valuable to Mr. Cleland, as it is, or can be, to the puissant *Ralph Allen*, Esq; let the Disproportion of their Circumstances, or mighty Deeds, be ever so great? And, what! could not this venerable Esquire, out of all his Bounty, all his Civility, all his Sociality, all his Morality, all his Religion, and all his Domesticity, find one Bit of Lenity for Mr. Cleland and his Family? If he had happened to have been so lucky, 'tis my Opinion, he would have crowned *All*, whereas now he has heaped nothing but Dirt on his own Head, by endeavouring to overwhelm Mr. Cleland in the Mire. As for the single Dozen, there is not one Word of Praise for them; they altogether are not worth a single Turnip,

(in this *Advocate's* Estimation) but in Conjunction with the GREAT MR. ALLEN.

AND now, *Reverend Sir*, (to use the Words of a learned Author on a like Occasion) "We are happily gone through the whole Examination:—A very singular Composition truly! *one Part Blunder, and two Parts Fallacy.*" WARB. And by which is *fully made out what I proposed to demonstrate*, That the Thirteen Governors were *not competent Judges of any immodest Intention* in Mr. Cleland, because no *Action* appeared in Consequence thereof:—*That the Censure was inequitable, because inadequate, and a great Part of the Proceedings were irregular and partial*:—And that there appeared, from the first, such Management as might prevail on any one to believe a sort of *Confederacy* was formed against him, which their latter Steps have more fully evinced.

EX.

EXTRACTS

From the

CASE of SEDUCTION:

BEING

*An Account of the Proceedings at
Paris, against Abbé C. N. DES
RUES, for committing RAPES
upon One Hundred Thirty-three
VIRGINS, in or about the Year
1730.*

THE Reasons for annexing these
Extracts are, 1. that the Cause
of the Prosecution, (*private
Pique;*) 2. the Humour of the Prose-
cutors, (*Pride mixed with Selfishness;*)
3. the

3. the Manner of the Proceedings, (*irregular*;) were in several respects of a piece with those in Mr. Cleland's Case.

P. 1. The Complainant begins with observing, " That the first of all Laws " should be *Charity*;"—*to which if the Thirteen Governors had paid due Regard, they would not have proceeded so rashly against Mr. Cleland.*

P. 4. " That M. des Rues's Enemies " had aspersed him on a particular Case, " distinguished by Suppositions *only*, resembling common Offences.—That the " Question was not, to know whether " there had been *Levity* or *Weakness* in " his Conduct, but whether there had " been Crimes?

P. 5. " That there was not, in all the " Procedure, any particular Case, that his " Enemies could reproach him with.— " That there were Facts in the Procedure, " that moved the *Animosity* and Irregularity of it.—That he could not dissemble his Grief at being obliged to enter the Lists with *abandoned Women*, " in order to refute their Calumnies.

P. 7. " That they attributed the Crime " of

CASE of SEDUCTION.

55

" of Seduction to the Charity M. des
" Rues had administered to one of the
" Women.

P. 8. " That the Laws distinguish two
" Sorts of Rapes; to wit, a Rape of Vi-
" olence, which they call, a Rape upon a
" Virgin; and the Rape of Seduction,
" which they term, a Rape against the
" Parents." — Neither of these surely
could Mr. Cleland's Intentions, in the In-
stances before-mentioned, lead him to.

P. 9. " That a Rape cannot be im-
" pleaded, where the foregoing Qualities
" are not proved, to wit, that she is of
" honest Behaviour, and good Fame and
" Condition." — If such Caution is to be
used respecting a Rape, why not in Accu-
sations of Actions tending seemingly to de-
bauch, coming from Women of ill Beha-
viour, Fame, and Condition?

P. 10. " That the Crime of Seduction
" cannot take place with respect to a
" young Woman who has been long
" guilty of Debauchery." — Much less
any Charge of supposed Intentions.

P. 15. " That M. des Rues made no
" reproachful Objection to the young Wo-
" man,

52 *EXTRACTS from the*

“ man, (*one of his Accusers*) when they
 “ were brought face to face: But, as he
 “ had nothing to reproach her with from
 “ himself, he imagined he had nothing to
 “ fear from her Testimony.”—*Neither*
did, nor had Mr. Cleland from his Accusers,
tho’ not brought face to face at first.

P. 23. “ That the Court was humbly
 “ moved to observe, that *ravishing* a
 “ young Woman does not consist in re-
 “ ceiving her when she comes to seek
 “ you, but in going to seek her, and
 “ stealing her away from her Parents.

P. 24. “ That the *Crime of Seduction*
 “ consists in the *black Artifices* a Man
 “ makes use of to corrupt a young Wo-
 “ man; when he has, ‘at several Visits,
 “ *seduced* her by Promise of Marriage, or
 “ other Things that please her, he makes
 “ use of the Power he has gained over
 “ the young Person, and abuses the Trust
 “ her Parents repose in him, in stealing
 “ away from them what they hold dearest
 “ in the World.

P. 25. “ That M. *des Rues’s* lewd fe-
 “ male Accuser made it plain by her
 “ Con-

“ Confession, *that she was neither gained*
 “ *nor seduced.*” So did those against Mr.
 Cleland.

P. 25. “ That his Enemies expected to
 “ gain their Point by producing the *De-*
 “ *position of a noted Whore*; but, in order,
 “ if possible, to put them to the blush,
 “ he proceeds to demonstrate, that
 “ this Deposition is not sufficient in Ju-
 “ stice to ground the least Presumption
 “ upon, that it had all the Marks of *Ca-*
 “ *lummy*, and was condemned by all
 “ Laws.

P. 26. “ That, as to this Matter, ’tis
 “ required, that a *Witness*, who would
 “ give in a lawful Examination, should be
 “ blameless, and above all Exception;
 “ that is, such an one as no Exception
 “ can be made against: And this is the
 “ universal Opinion.

P. 27. “ That he puts this Query,
 “ Can true Judges give Credit to the
 “ Testimony of a poor Needle-woman,
 “ remarkably only for her Lewdness?”

P. 28. “ That the Credit of Witnesses
 “ is diligently to be examined into. But
 “ more especially their State of Life is to

H

“ be

“ be examined into ; whether of an ele-
 “ vated or mean Degree, whether of ho-
 “ nest and blameless Behaviour. But
 “ what (*says he*) can be found in *Jean-*
 “ *neton le Fort*? (one of his Accusers) A
 “ Female, a Minor, a Manteau-maker, a
 “ Prostitute.

P. 29. “ That *Women* are exceptiona-
 “ ble in criminal Cases, because they al-
 “ ways give a various and wavering Te-
 “ stimony.*—A *Woman* should not be ad-
 “ mitted to bear witness in criminal Cases
 “ according to the Canon Law ; and so
 “ the Doctors generally hold.—The
 “ Law does not admit the Testimony of
 “ Minors.—An infamous Witness cannot
 “ testify in capital Cases.—Some are not
 “ to be admitted Witnesses, by reason of
 “ the Unsteadiness of their Testimony ;
 “ others by reason of their infamous
 “ Lives.—A Whore cannot be a Wit-
 “ ness in capital Cases.

P. 34. “ That Witnesses deserve Pu-
 “ nishment, who testify one Thing in
 “ Court, and the contrary when they are
 “ out of it.—All Writers on criminal Ca-
 “ ses agree, that the Testimony of a single
 “ Wit-”

* According to the Doctrine of *France*.

“ *Witness*, who speaks in favour of the
 “ *Defendant*, should be preferred to a De-
 “ position, where there is a Disagree-
 “ ment among the Deponents: But what
 “ must we think of one *Witness* who is
 “ proved a *Liar* by all the rest, and who
 “ contradicts herself? And if a *Witness*,
 “ who is found guilty of a *Lye* in a single
 “ Article, is to be accounted perjured in
 “ all the rest, how can we look upon a
 “ *Witness*, who is convicted of *Falshood*
 “ in as many Circumstances as she de-
 “ poses, but as a *perjured, slanderous Evi-*
 “ *dence*, who should be punished with
 “ Severity?

“ THAT the Sentiments of the Law
 “ are, P. 34. A *Witness* who affirms a
 “ Report, tho’ trusted to himself alone,
 “ becomes Evidence for the King, if he
 “ deposes on Behalf of the Defendants.
 “ —P. 35. Whoever speaks falsely in one
 “ Point is perjured in the whole, and even
 “ the Truth he speaks proves nothing,
 “ because the solemn Oath he took can-
 “ not admit of Prevarication.—An Evi-
 “ dence who is examined in several Par-
 “ ticulars, if he falsifies in one, is looked
 “ upon.

“upon to have testified falsely in all the
 “rest.”—Upon closely comparing the Cir-
 cumstances of the Witnesses, and their Evi-
 dences against Mr. Cleland, with the above
 Precepts, they will be, I think, found disqual-
 ified, and such as ought to come under Cen-
 sure.

P. 35. “That one of the chief Wit-
 “nesses against M. des Rues had been over-
 “reached, and compelled even by Threats
 “to accuse him.”—I very much doubt
 there were some such Means used with those
 against Mr. Cleland, notwithstanding the
 Charge against him did not rise so high.

P. 37. “That, on the 14th of May,
 “M. des Rues’s Accuser firmly attested his
 “Honesty, and on the 20th she deposed
 “against him. But what could so sudden
 “and incredible a Change be attributed to,
 “but Seduction?”—Just as those bad Wo-
 men served Mr. Cleland; first sent for him
 to attend them; next declared, he had of-
 fered nothing indecent; and then immedi-
 ately were prevailed on to depose against
 him for Indecency.

P. 38. “That such was the Deposi-
 “tion of Jeanneton le Fort, which the
 “Enc-

“ Enemies of M. *des Rues* mention with
 “ an Air of Victory: But if, according to
 “ the most learned Writers on *Criminal*
 “ *Cases*, the publick Declaration of the
 “ honestest Woman, who at the Point of
 “ Death, and at receiving the Holy Sa-
 “ crament, accuses her Murderer, can a-
 “ mount to no more than a bare Suppo-
 “ sition against the Criminal, with what
 “ Face then could they represent the De-
 “ claration of a Manteau-maker as a de-
 “ cative Testimony, whose *Lewdness* is
 “ already proved throughout the whole
 “ Proceeding; who, by her continued
 “ Irregularities, can accuse no-body of the
 “ Crime of *Seduction*, and in particular
 “ does not accuse M. *des Rues* with it;
 “ who turns Evidence in her own Cause,
 “ exposes her Baseness by *Prevarications*
 “ and *Contradictions*, is proved a *Liar*
 “ by the other Witnesses, and was
 “ dragged into Court like a Slave by the
 “ *Overseer of the Hospital*. M. *des Rues*’s
 “ Enemies call her a convincing Evidence;
 “ but the Law determines she is a false
 “ one, or at least erroneous and useless,
 “ and has no Excuse but her Surprise. So
 “ that

“ that if there is any Crime of Seduction
 “ in this Affair, it must be the Seduction
 “ of this Witness, upon whom the Crime
 “ will light, or upon the Enemies of M.
 “ des Rues.” — *The very same Conclusion*
will justly hold in Mr. Cleland's Case, there
being no apparent Crime in the Whole, but
the Badness of the Witnesses, and the Ir-
regularity of the Proceedings against him.

P. 41. “ Was it ever made a Case of
 “ Conscience, (*says he*) for a Person to
 “ break his Word with *abandoned Women,*
 “ who have no other Livelihood them-
 “ selves but Deceit?” — *Much less to*
set their Evidence aside in Matters that
they have been viciously led to Desire, ra-
ther than the contrary: So that there is
no room to think, that young HOOKE and
HUDSON could of themselves complain of
Indecency, when they had been so much ac-
customed to it, agreeable to their own Inclinations.

P. 43. “ That the Matter in Question
 “ was only a young Libertine, who, in
 “ the Course of her Prostitutions, com-
 “ plains of a bad Market, that she made
 “ in Presence of her Mother, and lost all
 “ by

“by coveting too much.” — *Such another Couple, I presume, as Old Hooke and her Daughter, when they compounded a Rape for a Crown.*

P. 45. “That a *Whore* cannot be a Witness in Capital Cases: Nay, that it was even made a Question, whether poor People should be admitted Evidences therein.” — *To be sure, if they are, it ought to be very cautiously.*

P. 46. “That the Daughter alone proves nothing, and the Daughter joined with the Mother makes both their Testimonies infamous, and incapable of forming even the least Suspicion upon.” — *The very State of the Evidences of Young Hooke and her Mother.* — And, “That Allegations of near Relations should be proved by two Witnesses of undoubted Credit — That Conjectures and Suspicions are not sufficient to prove a Forgery; but lawful Proofs are required, which of necessity are conclusive.” — *Much less are sufficient to prove a Man's Intentions.*

P. 48. “That M. des Rues had scandalous Reports spread against him, importing,

“porting, that he had abused his Ministry, in corrupting the young Women committed to his Instruction.”—*Like as there were of Mr. Cleland’s attempting to debauch two Women Patients.*

Ibid. “That these were the Matters of Fact which every-body knew; and that M. *des Rues* gave an Account of his Behaviour with the greatest Pleasure, because he thought it incumbent on him to support the Dignity of his Function, and expose the Fury of his Enemies.”—*The same has Mr. Cleland done, and for the same Reasons.*

P. 49. “That when M. *des Rues* spoke of his Innocence, it was not but that he could confess Offences in Presence of him who discerns Spots in the Sun; (and so might his, as well as Mr. Cleland’s Prosecutors, and the Reverend Advocate also, I make no question) but he persisted to maintain, that there was no Crime in his Conduct, which gave just Cause for his being so treated.—That the Bishops ought to have searched out their Brethren, and have reprov’d them without publication.”

“lick

"lick Scandal."——So ought the Governors to have done by their Surgeon, Mr. Cleland.

P. 50. "That Bishops ought not to be
"severe Judges, but tender Fathers, who
"enquire into a Crime not with Intent
"to punish it, but to convert the Offenders;
"or, if they do exert their Authority, it should be only against the Ob-
"durate and Rebellious."——In like manner, certainly, should Governors of Hospitals act, as well towards the Objects of their Charity, as the Officers and Volunteers in their Service.

P. 51. "That Infamy should be at-
"tested by Persons of Reputation, whose
"Testimony may be relied on."——That those who testified against Mr. Cleland were not such has been fully proved.

P. 52. "What are the Faults (says
"he) which the blackest Malice has
"invented against M. des Rues? Faults
"whereof no-body ever had the least
"Suspicion; and which they had not
"produced one Witness of Repute to
"prove against him: But, if he had sinned
"in secret, it was God alone that must
"judge

62 *EXTRACTS from the*

"judge him."——Such was Mr. Cleland's Fault, and proved just as well.

P. 55. "That Superiors ought to be
"cautious, not to confound the Laws of
"Brotherhood, of Socialness, by coun-
"tenancing Dissentions, suppressing Truth,
"cherishing Lyes, and devising Fallacies."

P. 58. "That an inveterate Prosecutor
"of M. des Rues threatened to publish the
"Depositions against him; but he was so
"far from being scared at that, that he
"signified, he should take it as a Favour,
"if they would print them, that the Pub-
"lick might thereby know the *Mean-*
"*ness of the Witnesses, and the Injustice*
"of those who set them on."——*To ex-*
emplify both which Mr. Cleland appeared
in Print first.

P. 59. "That since this *Inquisitor* had
"spread abroad such infamous Calum-
"nies, it was but just the World should
"be informed of his Management, viz.
"by *Threats and Persuasions* to seduce as
"many Witnesses against him as he
"could."——*The same Methods, I fear,*
were used by Mr. Cleland's Adversaries.

P. 61. "But that it was evident, that
 "all honest People had attested his good
 "Behaviour; and that he had been con-
 "demned by the Depositions of Three
 "Persons of Ill-fame, who had laid secret
 "Faults to his Charge, which no-body
 "ever heard talk of.

P. 63. "That M. des Rues had been
 "examined as to all the Circumstances of
 "his Life: In answer to which he had
 "the Happiness of being able to produce
 "the Certificates of his Superiors, who at
 "any Time had had the Charge of his Be-
 "haviour." *This shews that it is not un-
 necessary for a Person, at any time lying
 under scandalous Reports, to have a CER-
 TIFICATE of his Innocence, ready even to
 produce to Posterity; for often an Old
 Slander rises again after many Years Ces-
 sation.*

Ibid. "That M. Iffoine (an envenomed
 "Proctor against M. des Rues) was with
 "the Witnesses in the Common-hall, and
 "did not suffer them to pass into the
 "Official's Closet, till he had thoroughly in-
 "structed them; and that it was positively
 "asserted, that he walked some time be-

“ fore the Gate of the Bishop’s Court,
 “ having on one side of him the noto-
 “ rious *Gautie*, and on the other the in-
 “ famous *Bazinville*.” — *These were two*
arrant Whores and trump-up Witnesses.

P. 64. “ That M. *Issire* had made a
 “ Party of Judges to carry on the Trial
 “ jointly with the Official.” — *So did*
the ——— against Mr. Cleland. “ And
 “ published every where, that the Pro-
 “ ceeding was lawful.” — *So have the Thir-*
teen Governors.

P. 68. “ That Judges should be more
 “ inclinable to admit Circumstances, which
 “ are likely to prove the Innocence of the
 “ Defendant, than those that may prove
 “ him guilty; why then did not M. *Is-*
soire permit one of all the Neighbours
 “ and honest Folks, who had attested
 “ the prudent Behaviour of the Defen-
 “ dant, to be heard? M. *Lombard*, a-
 “ mong others, was cited, and appeared
 “ accordingly: But there was no Memo-
 “ randum taken of his Declaration.” — *Shall*
of a piece with the Proceedings against Mr.
Cleland.

P. 71. “ That M. *des Rues*’s Prosecu-
 “ tors

“tors made an aged Man of near 80,
 “(almost deaf, his Eye-sight extremely
 “decayed, and his Memory weakened to
 “the last degree) see in the thickest
 “Darkness of the most obscure Night,
 “hear like a young Man, that has all
 “his Senses in full Perfection, and give
 “him a Presence of Mind capable of re-
 “collecting Gallantries transacted Years
 “ago.”—*Just as Mary Hudson was made
 to depose Actions, of which she declares she
 was insensible at the Time they were
 acted.*

P. 74. “That the Actress was to play
 “the Part of a virtuous young Woman,
 “who had been over-reached, and the
 “ready Prompter furnished her with ele-
 “vated Sentiments, quaint Expressions,
 “and penitential Tears.”—*Neither did
 the Deponents against Mr. Cleland want
 for Prompters.*

P. 74. “When Witnesses are giving in
 “their Informations, the Judges should
 “cause whatever they say to be writ down,
 “as well in Favour of the Defendant as
 “against him.”—*This was not done in
 Mr. Cleland's Case.*

P. 75. 16 That M. des Rues underwent
 “ the *Examination*, when a strict Scrutiny
 “ was made into the *very Intentions*,
 “ and most secret Thoughts of his Soul,
 “ without considering, that God alone
 “ is the *Searcher of Hearts*, and that the
 “ Church cannot judge the *inward Re-*
 “ *cesses of the Soul*.” — *Why then should*
these Lay-governors assume that Prerogative? — But it seems, “ the Official pe-
 “ remptorily required M. des Rues to de-
 “ clare his *Intention*, in Default of which
 “ he threatned to give *Judgment* against
 “ him; yet the Defendant thought pro-
 “ per to answer warily, by protesting a-
 “ gainst the *Judgment*, reserving to him-
 “ self the Declaration of his *Intentions* to
 “ his Confessor only.”

P. 76. 17 That at the same Examina-
 “ tion he demanded Copies of certain
 “ Evidences in this Process, and particular
 “ Care was taken to write down all that he
 “ proposed; yet they thought proper to
 “ give *Judgment* against him without
 “ having regard to his Requests.” — *Such*
like precipitant, unfair Work, as occurred
in the Process against Mr. Cleland.

P. 81. "And has not (*says he*) M. *Issaire* oppressed an innocent Family, to become the Advocate of abandoned Women?"—*This Monsieur seems chiefly to have acted our M—— of Bath's Part.*

P. 82. "That *Jeanneton le Fort* took shelter under M. *Issaire's* Protection, and no-body is allowed to speak with her but himself."—*Mr. Morris* *wimick'd this Part extremely well with Old Mother HOOKE.*

P. 83. "Monsieur *Issaire* (*says he*) cannot take it ill, if he should be told, that he is look'd upon as a beautiful and fragrant Flower, tho' his Root may lie in the *Dunghill*; or rather like the *Sun*, which penetrates into the most filthy Places, without rebating his Purity or Splendor." *The Reason why this high Compliment was bestowed upon him was, because he had* "publicly declared himself the Patron of Prostitutes." *To which of the WORTHY THIRTEEN this may be most properly applied, I shall leave*

leave them to determine among themselves.

Ibid. " That M. *des Rues* often complained ; that they brought no-body to appear against him but *Prostitutes*, whom he either had not any Knowledge of, or no other than by the scandalous Character they bore in his Neighbourhood. M. *Issoire* excused himself, by alledging they were *necessary Agents*: That is to say, the ready Way to ruin the Defendant was to procure Witnesses, who they could document as they pleased ; and so far M. *des Rues* agrees with him, that *wicked Persons* are the *most necessary Agents* to depose against the Truth.

P. 84. " That if M. *Issoire* had any Design to enquire into his Life and Conversation, he should have consulted his Neighbours ; in a Word, all the Persons of Honour and Piety, who have been daily Witnesses of his *decent Behaviour*. These are the Evidences they should have applied themselves to, and not to *common Prostitutes*, whose Testimony is rejected by all the Laws, and with
" whom

" whom no-body can say, *M. des Rues*
 " ever changed a Word.—That Witnesses
 " are to be considered as to their Quali-
 " ties, and as to their Manner of Life;
 " whether their Behaviour has been in-
 " nocent and upright: For, if their Mo-
 " rals have been bad, their Credit cannot
 " be depended upon."—*Certainly, if the*
Thirteen Governors, had been acquainted
with this Doctrine, they would never have
paid any Regard to the Evidences of such
Sluts as Hooke and Hudson.

P. 86. " That the Witnesses against
 " *M. des Rues* had not Grace enough to
 " be ashamed of any Thing, even of pub-
 " lishing their own Vices by accusing
 " others: That they were the only
 " Vouchers in their own Cause, and ex-
 " pected to be believed on their bare
 " Words: That they had been sought
 " to, solicited, wheedled, and threatned:
 " In fine, that they had all the Proper-
 " ties that compleat vile Women and
 " false Witnesses."—*In every respect*
like those against Mr. Cleland.—" That
 " the Law is, in Cases where improper
 " Witnesses are admitted, their Deposi-

“ tions do not amount to a convincing
 “ Proof, but only make a doubtful one.—
 “ That a Woman is not to be believed,
 “ who accuses a Clergyman of having had
 “ carnal Commerce with her, unless there
 “ are other Proofs brought to justify the
 “ Assertion.

P. 88. “ How much then (*says he*)
 “ will Posterity be confounded to find,
 “ that a Deacon, and Graduate in Divi-
 “ nity, who had so fair a Reputation in
 “ the World, was arrested, persecuted,
 “ and crushed, *without receiving the least*
 “ *previous Advice, in the Time of a Bi-*
 “ *shop so remarkable for his Goodness?*”—

And I say future Times will be no less a-
mased, than the present is surprised, that a
Gentleman, a Voluntier in his Office, as
Surgeon to an Hospital, without Fee or
Reward, should be censured and dismissed
unheard, for indecent Behaviour, on the
Evidence of two low-liv'd, notorious Pro-
stitutes.

P. 90. “ That M. *des Rues*, amidst
 “ his Afflictions, in his most religious
 “ Moments, used frequently the follow-
 “ ing Prayer in the Words of the Holy
 “ *Psalmist,*

CASE of SEDUCTION. 71

" *Psalmist*,—*Judge me, O Lord! plead*
" *my Cause; be my Advocate and my*
" *Judge; deliver me from this merciless*
" *and uncharitable Generation; succour*
" *me against the envious and perverse*
" *Man.*"—'Twas happy for Mr. Cleland,
that his Lot was cast in a Land of LIBERTY,
among a People of Freedom, and more
generous Way of Thinking in general,
than is to be met with in Countries
groaning under arbitrary Power, other-
wise he might have fell a fatal Victim
to the Malice and Partiality of a few pre-
judiced Persons.

By this Picture our *Reverend Advocate*
may see too, that even *Divines* have not
escaped the vile and pointed Accusations
of *abandoned Women*, prompted by *design-*
ing, malicious Men.

F I N I S.

The British Museum is a place of great interest and importance. It is a place where the history of the world is preserved and where the people of the world can learn about the past. The British Museum is a place of great interest and importance. It is a place where the history of the world is preserved and where the people of the world can learn about the past.

My dear friend, I have not
yet received your letter of the 10th
inst. I am sorry to hear that
you are not well. I hope you
will soon be better. I am
very truly yours,
J. M. Smith

2. 1. 1. 1. 1.